

MINUTES
CORRECTIONS STANDARDS AUTHORITY MEETING
WEDNESDAY, NOVEMBER 3, 2010
600 BERCUT DRIVE
SACRAMENTO, CA 95811
(916) 445-5073

Teleconference meeting held at: 1515 S Street, Room 502-S, Sacramento, CA 95814

Remote Teleconference Participation Sites:

3333 E. American Avenue, Building 701
Fresno, CA 93725

524 N. Mt. View Avenue
San Bernardino, CA 92415

130 West Bruno
Los Angeles, CA 90012

9621 Ridgehaven Court
San Diego, CA 92123

215 5th Street, Suite 200
Civil Office, 2nd Floor
Marysville, CA 95901

32400 Paseo Adelanto
San Juan Capistrano, CA 92675

4700 Ramona Boulevard
Monterey Park, CA 91754

2500 E. Gibson Road
Woodland, CA 95776

Secretary Matthew Cate welcomed everyone to the November 3, 2010 special session Corrections Standards Authority (CSA) teleconference meeting. He explained that the purpose of the special meeting was to take action on the emergency regulations drafted by CSA staff which would enable the counties being funded under AB900 to take advantage of new legislation, AB1628, which allows counties to design and build collaboratively which saves time and money.

Ms. Pargas called roll.

The following members were in attendance:

Secretary Cate
Mr. Kernan
Ms. Minor

Mr. Prieto
Ms. Penner
Mr. Ingrassia

Ms. Campbell
Ms. Biondi
Ms. Epps

Mr. Adams
Mr. Crowder
Ms. Mello

ABSENCE OF BOARD MEMBERS

Ms. Pargas announced that Ms. Silva, Ms. Arnold, Ms. McBrayer, Ms. Bates, Dr. Silbert, and Mr. Baca had prior commitments. There was a quorum.

AB 900 JAIL CONSTRUCTION – APPROVAL OF DRAFT EMERGENCY REGULATIONS (AGENDA ITEM A)

This agenda item was presented by CSA Field Representative, Charlene Aboytes. One of the Corrections Standards Authority's (CSA) responsibilities described in AB 900 is the

drafting of regulations that explain the requirements of that legislation including CSA's role in administering the \$1.2 billion in construction financing. AB 900 contains an urgency clause, making it necessary to expedite this regulation development process. This accelerated process is done through an Emergency/Operational Necessity filing pursuant to Penal Code Section 5058.3.

These regulations were approved by the CSA Board at their September 2008 meeting. Subsequently, the regulations were submitted to the Office of Administrative Law and were effective in November 2008. However, there was no statutory authority for the design-build process and the regulations do not specifically allow the design-build process for the AB 900 projects. Because of this, language in Assembly Bill 1628 was necessary to amend the Government Code to provide statutory authority for counties to utilize the design-build process. Governor Schwarzenegger signed the bill on October 19, 2010 and CDCR has initiated this emergency/operational necessity regulation filing to add language to the Title 15 2007 Local Jail Construction Funding Program regulations to enable counties to utilize the design-build process, if they so desire.

The design-build process is a construction project delivery method where the design work and the construction of the project are performed by a team brought together in a collaborative environment to build a project by overlapping tasks, for instance beginning site work when the building is still being designed. Because of its collaborative nature, it provides a greater level of oversight of the project.

San Diego is one of the counties that was conditionally awarded AB 900 jail financing. It is their intent to utilize the design-build process (instead of the traditional design-bid-build) to construct a new 1,270 bed women's jail. San Diego has been anxiously awaiting authorization to begin work on their jail and CDCR is looking forward to constructing a 500-bed secure community reentry facility in the county. This emergency regulations process is essential for the safety of the public, correctional staff and inmates. In addition, the State and counties can leverage and maximize scarce public funds in a favorable bid climate. This will result in stretching the State's and the County's financing dollars.

CSA staff received considerable assistance from the Department of Finance and CDCR Office of Legal Affairs in crafting the draft emergency amendments to these regulations. Upon Board approval, these regulations will be submitted to the Office of Administrative Law. Upon their approval, the regulations will be temporarily effective for 160 days (the end of this period is approximately May 2, 2011). During that time CSA staff will send the regulations out for a 45-day public comment period. Following the public comment period, a public hearing will be held in Sacramento. Staff will bring these regulations to a future Board meeting for approval and anticipates submitting the emergency rulemaking package to the OAL on or before May 2, 2011.

At the November 18, 2010 meeting, staff will bring two other agenda items before this Board regarding regulation changes. These changes will affect the AB 900 and the SB 81 construction programs. Those changes will not be of an emergency nature and will follow the regular rulemaking process.

Staff recommended the Board approve the draft emergency amendments to the regulations and direct staff to submit the draft emergency amendments to the regulations to the Office of Administrative Law. It was also recommended that the Board appoint CSA Board member Ed Prieto as chair for the upcoming public hearing regarding the

draft emergency amendments to the regulations and that the Board direct staff to begin the public comment process regarding the draft emergency amendments to the regulations.

Secretary Cate asked if there were any comments from the Board members or from the public at any of the remote telephonic locations. There were none.

A motion to approve the staff recommendations was made by Ms. Campbell and seconded by Mr. Kernan.

Role was called for the Board members to vote. All were in favor except Mr. Ingrassia who abstained.

The motion carried.

Mr. Prieto joined the conference call after the vote and was briefed by Secretary Cate as to the contents of this agenda item. He voted in favor of approving staff recommendations.

Secretary Cate thanked the Board members for joining the meeting.

Next meeting: Thursday, November 18, 2010 at 1:00 p.m. in Sacramento, CA.

Meeting adjourned at 9:20 a.m.

Respectfully submitted,

Originally signed by

ROSA PARGAS
Secretary
Corrections Standards Authority

ROSTER OF PERSONS IN ATTENDANCE

CSA Board Members

Mr. Cate, Secretary, CDCR
Mr. Kernan, Undersecretary, CDCR
Ms. Minor, Chief, Division of Adult Programs, CDCR
Mr. Prieto, Yolo County Sheriff's Department
Mr. Ingrassia, San Diego County Sheriff's Department
Ms. Biondi, Public Member
Mr. Adams, Yuba County Sheriff's Department
Ms. Epps, San Bernardino County Probation
Ms. Campbell, Public Member
Mr. Crowder, Parole Agent, CDCR
Ms. Mello, Correctional Officer, CDCR
Ms. Penner, Fresno County Probation Department

CSA Staff

Debbie A. Rives, Executive Director (A)

Rosa Pargas, Secretary

Robert Takeshta, Deputy Director, CFC

Gary Wion, Deputy Director, FSO

Charlene Aboytes, Field Representative, CFC

Mike Davis, Legal Counsel, CDCR